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10/078,778	02/19/2002	Donald Henry Willis	PU020026	5111
7590 09/10/2008				
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EXAMINER				
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ART UNIT		PAPER NUMBER		
2629				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



# Office Action Summary

**Application No.**

10/078,778

**Applicant(s)**

WILLIS, DONALD HENRY

**Examiner**

TAMMY PHAM

**Art Unit**

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 July 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-9 and 11-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,3-9 and 11-16 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_



### DETAILED ACTION

1. Claims 2, 10 are cancelled. Claims 1, 9, 11, 13, 15 have been amended. Claims 1, 3-9, 11-16 are pending.

### *Response to Arguments*

2. Applicant's arguments filed 18 January 2008 have been fully considered but they are not persuasive.

3. **In regards to independent claims 1, 9, 13, 15**, Applicant submits that “[n]either the previous Willis patent nor the Rumreich patent discloses nor suggests to asymmetrically low-pass filter a portion of the low brightness component so as to anticipate a bright-going signal (Remarks I).” This is not persuasive.

4. First of all, Applicant fails to clearly define or explain “*asymmetrically weighted taps* (claim 1, lines 11-12).” So, taking the claim language in view of the specifications, the “*asymmetrically weight taps*” are the different coefficients that are added together within the low pass filter (Fig. 2, items 31, 33, 35). Hence, Willis et al. (U.S. Patent No.: 7,119,774 B2) teaches of asymmetrically weighted taps (Fig. 3, item 22, claim 24). Because Willis continues to read upon the claim language, the previous double patenting rejection still stands.

### *Double Patenting*

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined



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application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

6. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

7. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 1, 3-9, and 11-16 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 21 of Willis et al. (U.S. Patent No. 7,119,774 B2). Although the conflicting claims are not identical, they are not patentably distinct from each other because:

<b><i>Current Application, Claim 1</i></b> (US Publication No: 2003/0156091 A1)	<b><i>Reference, Claims 21+24</i></b> (US Patent No: 7,119,774 B2)
A circuit for reducing adjacent pixel interdependence in a liquid crystal display, comprising:	A circuit for reducing sparkle artifacts of a liquid crystal images, comprising (claim 21):
a decomposer for dividing an input video signal into a plurality of signals having at least a high brightness signal and a low brightness signal;	a decomposer for dividing a video signal for a picture into a higher brightness level signal and a lower brightness level signal (claim 21);
a low pass filter arrangement for independently low pass filtering rising transients and lengthening a fall time of falling transients in the low brightness signal to reduce adjacent pixel interdependence;	a low pass filter for processing the lower brightness level signal, the low pass filtered lower brightness level signal being delayed (claim 21);
Wherein the split low pass filter arrangement comprises at least two low pass filters,	



At least one of which is comprised of asymmetrically weighted taps thereby anticipating a bright-going signal and starting the bright-going signal going brighter earlier,	The low pass filter applies a normalized 1:2:1 Z transform to the lower brightness level signal (claim 24)
at least one associated delay circuit, and	a delay circuit for the higher brightness level signal (claim 21)...
a maximum selector circuit; and	an algebraic circuit for combining the low pass filtered lower brightness level signal and the delay matched higher brightness signal, and generating a modified signal yielding reduced sparkle artifacts in the images (claim 21).
a delay matching circuit for the high brightness signal;	a delay circuit for the higher brightness level signal (claim 21)...
and means for combining the delayed high brightness signal with the filtered low brightness signal to provide an output with reduced sparkle artifacts	an algebraic circuit for combining the low pass filtered lower brightness level signal and the delay matched higher brightness level signal, and generating a modified video signal yielding reduced sparkle artifacts in the images (claim 21).

9. Reference 7,119,774 fails to teach of a split low pass filter arrangement that comprises of at least two low pass filters (with different sampling period/rates).

10. Rumreich et al. (US Patent No: 6,384,873 B1) teaches of a filter arrangement that comprises of at least two low pass filters (with different sampling period/rates) (Fig. 2, items LPE, column 1, lines 21-25).

11. It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the filter arrangement with at least two low pass filter of Rumreich with the low pass filter arrangement of Willis '774 in order to provide the best cost-performance trade



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off by concurrently providing signals from at least two successive video lines (Rumreich, column 1, lines 21-25).

12. Similar analysis to the one above can be made for the remaining claims. The table below lists a few examples of how the remaining claims match up:

<b><i>Current Application</i></b> (US Publication No: 2003/0156091 A1)	<b><i>Reference</i></b> <b><i>(as modified above in claim 21)</i></b> (US Patent No: 7,119,774 B2)
Claim 3	Claim 21
Claim 4	Claim 21
Claim 5	Claim 21
Claim 6	Claim 21
Claim 7	Claim 21
Claim 8	Claim 21
Claim 9	Claim 21
Claim 11	Claim 21
Claim 12	Claim 21
Claim 13	Claim 21
Claim 14	Claim 21
Claim 15	Claim 21
Claim 16	Claim 21



*Conclusion*

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammy Pham whose telephone number is (571) 272-7773. The examiner can normally be reached on 8:00-5:30 (Mon-Fri).
14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TP  
5 September 2008

*Tammy Pham*  
/Tammy Pham/  
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/Sumati Lefkowitz/  
Supervisory Patent Examiner, Art Unit 2629